

By Senator Jones

34-00506A-25

20251812__

1 A bill to be entitled
2 An act relating to derelict vessels; amending s.
3 327.4107, F.S.; revising conditions by which an
4 officer of the Fish and Wildlife Conservation
5 Commission or of a law enforcement agency may
6 determine a vessel is at risk of becoming derelict;
7 conforming provision to changes made by the act;
8 amending s. 705.103, F.S.; revising the list of
9 vessels upon which a law enforcement officer must
10 place a certain notice; conforming provisions to
11 changes made by the act; amending s. 823.11, F.S.;
12 revising the definition of the term "derelict vessel";
13 requiring that a vessel subject to a specified number
14 of violations during a certain timeframe be declared a
15 public nuisance; conforming provisions to changes made
16 by the act; reenacting ss. 327.54(3)(d) and
17 705.101(1), F.S., relating to renting or leasing a
18 vessel by a livery, and definitions, respectively, to
19 incorporate the amendment made to s. 823.11, F.S., in
20 references thereto; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (a) of subsection (7) of section
25 327.4107, Florida Statutes, is amended, and paragraph (g) is
26 added to subsection (2) of that section, to read:

27 327.4107 Vessels at risk of becoming derelict on waters of
28 this state.—

29 (2) An officer of the commission or of a law enforcement

34-00506A-25

20251812__

30 agency specified in s. 327.70 may determine that a vessel is at
31 risk of becoming derelict if any of the following conditions
32 exist:

33 (g) The owner of the vessel fails to timely renew the
34 registration for the vessel pursuant to s. 328.72(12) and s.
35 328.735(1).

36 (7) The commission may establish a derelict vessel
37 prevention program to address vessels at risk of becoming
38 derelict. Such program may, but is not required to, include:

39 (a) Removal, relocation, and destruction of vessels
40 declared a public nuisance, derelict or at risk of becoming
41 derelict, or lost or abandoned in accordance with s. 327.53(7),
42 s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(2)(e) and
43 (3) s. 823.11(3).

44
45 The commission may adopt rules to implement this subsection.
46 Implementation of the derelict vessel prevention program shall
47 be subject to appropriation by the Legislature and shall be
48 funded by the Marine Resources Conservation Trust Fund or the
49 Florida Coastal Protection Trust Fund.

50 Section 2. Paragraph (a) of subsection (2) and subsection
51 (4) of section 705.103, Florida Statutes, are amended to read:

52 705.103 Procedure for abandoned or lost property.—

53 (2)(a)1. Whenever a law enforcement officer ascertains
54 that:

55 a. An article of lost or abandoned property other than a
56 derelict vessel or a vessel declared a public nuisance pursuant
57 to s. 327.73(1)(aa) is present on public property and is of such
58 nature that it cannot be easily removed, the officer shall cause

34-00506A-25

20251812__

59 a notice to be placed upon such article in substantially the
60 following form:

61
62 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
63 PROPERTY. This property, to wit: ...(setting forth brief
64 description)... is unlawfully upon public property known as
65 ...(setting forth brief description of location)... and must be
66 removed within 5 days; otherwise, it will be removed and
67 disposed of pursuant to chapter 705, Florida Statutes. The owner
68 will be liable for the costs of removal, storage, and
69 publication of notice. Dated this: ...(setting forth the date of
70 posting of notice)..., signed: ...(setting forth name, title,
71 address, and telephone number of law enforcement officer)....

72
73 b. A derelict vessel or a vessel declared a public nuisance
74 pursuant to s. 327.73(1)(aa) or s. 823.11(2)(e) is present on
75 the waters of this state, the officer shall cause a notice to be
76 placed upon such vessel in substantially the following form:

77
78 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
79 VESSEL. This vessel, to wit: ...(setting forth brief description
80 of location)... has been determined to be ...(derelict or a
81 public nuisance)... and is unlawfully upon the waters of this
82 state ...(setting forth brief description of location)... and
83 must be removed within 21 days; otherwise, it will be removed
84 and disposed of pursuant to chapter 705, Florida Statutes. The
85 owner and other interested parties have the right to a hearing
86 to challenge the determination that this vessel is derelict or
87 otherwise in violation of the law. Please contact ...(contact

34-00506A-25

20251812__

88 information for person who can arrange for a hearing in
89 accordance with this section).... The owner or the party
90 determined to be legally responsible for the vessel being upon
91 the waters of this state in a derelict condition or as a public
92 nuisance will be liable for the costs of removal, destruction,
93 and disposal if this vessel is not removed by the owner. Dated
94 this: ...(setting forth the date of posting of notice)....,
95 signed: ...(setting forth name, title, address, and telephone
96 number of law enforcement officer)....

97
98 2. The notices required under subparagraph 1. may not be
99 less than 8 inches by 10 inches and must be sufficiently
100 weatherproof to withstand normal exposure to the elements. In
101 addition to posting, the law enforcement officer shall make a
102 reasonable effort to ascertain the name and address of the
103 owner. If such is reasonably available to the officer, she or he
104 shall mail a copy of such notice to the owner on the date of
105 posting or as soon thereafter as is practical. If the property
106 is a motor vehicle as defined in s. 320.01(1) or a vessel as
107 defined in s. 327.02, the law enforcement agency shall contact
108 the Department of Highway Safety and Motor Vehicles in order to
109 determine the name and address of the owner and any person who
110 has filed a lien on the vehicle or vessel as provided in s.
111 319.27(2) or (3) or s. 328.15. On receipt of this information,
112 the law enforcement agency shall mail a copy of the notice by
113 certified mail, return receipt requested, to the owner and to
114 the lienholder, if any, except that a law enforcement officer
115 who has issued a citation for a violation of s. 823.11 to the
116 owner of a derelict vessel is not required to mail a copy of the

34-00506A-25

20251812__

117 notice by certified mail, return receipt requested, to the
118 owner. For a derelict vessel or a vessel declared a public
119 nuisance pursuant to s. 327.73(1)(aa), the mailed notice must
120 inform the owner or responsible party that he or she has a right
121 to a hearing to dispute the determination that the vessel is
122 derelict or otherwise in violation of the law. If a request for
123 a hearing is made, a state agency shall follow the processes as
124 set forth in s. 120.569. Local governmental entities shall
125 follow the processes set forth in s. 120.569, except that a
126 local judge, magistrate, or code enforcement officer may be
127 designated to conduct such a hearing. If, at the end of 5 days
128 after posting the notice in sub-subparagraph 1.a., or at the end
129 of 21 days after posting the notice in sub-subparagraph 1.b.,
130 and mailing such notice, if required, the owner or any person
131 interested in the lost or abandoned article or articles
132 described has not removed the article or articles from public
133 property or shown reasonable cause for failure to do so, and, in
134 the case of a derelict vessel or a vessel declared a public
135 nuisance pursuant to s. 327.73(1)(aa), has not requested a
136 hearing in accordance with this section, the following shall
137 apply:

138 a. For abandoned property other than a derelict vessel or a
139 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
140 the law enforcement agency may retain any or all of the property
141 for its own use or for use by the state or unit of local
142 government, trade such property to another unit of local
143 government or state agency, donate the property to a charitable
144 organization, sell the property, or notify the appropriate
145 refuse removal service.

34-00506A-25

20251812__

146 b. For a derelict vessel or a vessel declared a public
147 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
148 agency or its designee may:

149 (I) Remove the vessel from the waters of this state and
150 destroy and dispose of the vessel or authorize another
151 governmental entity or its designee to do so; or

152 (II) Authorize the vessel's use as an artificial reef in
153 accordance with s. 379.249 if all necessary federal, state, and
154 local authorizations are received.

155

156 A law enforcement agency or its designee may also take action as
157 described in this sub-subparagraph if, following a hearing
158 pursuant to this section, the judge, magistrate, administrative
159 law judge, or hearing officer has determined the vessel to be
160 derelict as provided in s. 823.11 or otherwise in violation of
161 the law in accordance with s. 327.73(1)(aa) and a final order
162 has been entered or the case is otherwise closed.

163 (4) The owner of any abandoned or lost property, or in the
164 case of a derelict vessel or a vessel declared a public nuisance
165 pursuant to s. 327.73(1)(aa) or s. 823.11(2)(e), the owner or
166 other party determined to be legally responsible for the vessel
167 being upon the waters of this state in a derelict condition or
168 as a public nuisance, who, after notice as provided in this
169 section, does not remove such property within the specified
170 period is liable to the law enforcement agency, other
171 governmental entity, or the agency's or entity's designee for
172 all costs of removal, storage, destruction, and disposal of such
173 property, less any salvage value obtained by disposal of the
174 property. Upon final disposition of the property, the law

34-00506A-25

20251812__

175 enforcement officer or representative of the law enforcement
176 agency or other governmental entity shall notify the owner, or
177 in the case of a derelict vessel or vessel declared a public
178 nuisance pursuant to s. 327.73(1)(aa) or s. 823.11(2)(e), the
179 owner or other party determined to be legally responsible, if
180 known, of the amount owed. In the case of an abandoned vessel or
181 motor vehicle, any person who neglects or refuses to pay such
182 amount is not entitled to be issued a certificate of
183 registration for such vessel or motor vehicle, or any other
184 vessel or motor vehicle, until such costs have been paid. A
185 person who has neglected or refused to pay all costs of removal,
186 storage, disposal, and destruction of a vessel or motor vehicle
187 as provided in this section, after having been provided written
188 notice via certified mail that such costs are owed, and who
189 applies for and is issued a registration for a vessel or motor
190 vehicle before such costs have been paid in full commits a
191 misdemeanor of the first degree, punishable as provided in s.
192 775.082 or s. 775.083. The law enforcement officer or
193 representative of the law enforcement agency or other
194 governmental entity shall supply the Department of Highway
195 Safety and Motor Vehicles with a list of persons whose vessel
196 registration privileges and motor vehicle privileges have been
197 revoked under this subsection. The department or a person acting
198 as an agent of the department may not issue a certificate of
199 registration to a person whose vessel and motor vehicle
200 registration privileges have been revoked, as provided by this
201 subsection, until such costs have been paid.

202 Section 3. Paragraph (b) of subsection (1) and paragraph
203 (c) of subsection (4) of section 823.11, Florida Statutes, are

34-00506A-25

20251812__

204 amended, and paragraph (e) is added to subsection (2) of that
205 section, to read:

206 823.11 Derelict vessels; relocation or removal; penalty.—

207 (1) As used in this section, the term:

208 (b) "Derelict vessel" means a vessel, as defined in s.

209 327.02, that is:

210 1. In a wrecked, junked, or substantially dismantled
211 condition upon any waters of this state.

212 a. A vessel is wrecked if it is sunken or sinking; aground
213 without the ability to extricate itself absent mechanical
214 assistance; or remaining after a marine casualty, including, but
215 not limited to, a boating accident, extreme weather, or a fire.

216 b. A vessel is junked if it has been substantially stripped
217 of vessel components, if vessel components have substantially
218 degraded or been destroyed, or if the vessel has been discarded
219 by the owner or operator. Attaching an outboard motor to a
220 vessel that is otherwise junked will not cause the vessel to no
221 longer be junked if such motor is not an effective means of
222 propulsion as required by s. 327.4107(2) (e) and associated
223 rules.

224 c. A vessel is substantially dismantled if at least two of
225 the three following vessel systems or components are missing,
226 compromised, incomplete, inoperable, or broken:

227 (I) The steering system;

228 (II) The propulsion system; or

229 (III) The exterior hull integrity.

230 d. A vessel is wrecked, junked, or substantially dismantled
231 if the vessel owner or operator is unable to provide a receipt,
232 proof of purchase, or other documentation of having made a

34-00506A-25

20251812__

233 permanent and substantial repair to the vessel which remedies
234 its wrecked, junked, or substantially dismantled state.

235
236 Attaching an outboard motor to a vessel that is otherwise
237 substantially dismantled will not cause the vessel to no longer
238 be substantially dismantled if such motor is not an effective
239 means of propulsion as required by s. 327.4107(2) (e) and
240 associated rules.

241 2. At a port in this state without the consent of the
242 agency having jurisdiction thereof.

243 3. Docked, grounded, or beached upon the property of
244 another without the consent of the owner of the property.

245 4. Unregistered or has never been registered in this state.

246 (2)

247 (e) A vessel of a person, firm, or corporation charged with
248 violating paragraph (a) three or more times within a 24-month
249 period must be declared a public nuisance subject to subsection
250 (4) and s. 705.103(2) and (4).

251 (4)

252 (c) The commission may establish a program to provide
253 grants to local governments for the removal, storage,
254 destruction, and disposal of derelict vessels from the waters of
255 this state. This grant funding may also be used for the removal,
256 storage, destruction, and disposal of vessels declared a public
257 nuisance pursuant to paragraph (2) (e) and s. 327.73(1) (aa). The
258 program must be funded from the Marine Resources Conservation
259 Trust Fund or the Florida Coastal Protection Trust Fund.
260 Notwithstanding s. 216.181(11), funds available for these grants
261 may only be authorized by appropriations acts of the

34-00506A-25

20251812__

262 Legislature. In a given fiscal year, if all funds appropriated
263 pursuant to this paragraph are not requested by and granted to
264 local governments for the removal, storage, destruction, and
265 disposal of derelict vessels or vessels declared a public
266 nuisance pursuant to paragraph (2)(e) and s. 327.73(1)(aa) by
267 the end of the third quarter, the Fish and Wildlife Conservation
268 Commission may use the remainder of the funds to remove, store,
269 destroy, and dispose of, or to pay private contractors to
270 remove, store, destroy, and dispose of, derelict vessels or
271 vessels declared a public nuisance pursuant to paragraph (2)(e)
272 and s. 327.73(1)(aa). The commission shall adopt by rule
273 procedures for local governments to submit a grant application
274 and criteria for allocating available funds. Such criteria must
275 include, at a minimum, the following:

- 276 1. The number of derelict vessels within the jurisdiction
277 of the applicant.
- 278 2. The threat posed by such vessels to public health or
279 safety, the environment, navigation, or the aesthetic condition
280 of the general vicinity.
- 281 3. The degree of commitment of the local government to
282 maintain waters free of abandoned and derelict vessels and to
283 seek legal action against those who abandon vessels in the
284 waters of this state as defined in s. 327.02.

285 Section 4. For the purpose of incorporating the amendment
286 made by this act to section 823.11, Florida Statutes, in a
287 reference thereto, paragraph (d) of subsection (3) of section
288 327.54, Florida Statutes, is reenacted to read:

289 327.54 Liveries; safety regulations; penalty.—

290 (3) A livery may not knowingly lease or rent a vessel to

34-00506A-25

20251812__

291 any person:

292 (d) When the vessel is not seaworthy, is a derelict vessel
293 as defined in s. 823.11, or is at risk of becoming derelict as
294 provided in s. 327.4107.

295 Section 5. For the purpose of incorporating the amendment
296 made by this act to section 823.11, Florida Statutes, in a
297 reference thereto, subsection (1) of section 705.101, Florida
298 Statutes, is reenacted to read:

299 705.101 Definitions.—As used in this chapter:

300 (1) "Abandoned property" means all tangible personal
301 property that does not have an identifiable owner and that has
302 been disposed on public property in a wrecked, inoperative, or
303 partially dismantled condition or has no apparent intrinsic
304 value to the rightful owner. The term includes derelict vessels
305 as defined in s. 823.11 and vessels declared a public nuisance
306 pursuant to s. 327.73(1)(aa).

307 Section 6. This act shall take effect July 1, 2025.